

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

-----X	:
BOEHRINGER INGELHEIM	:
PHARMACEUTICALS, INC., BOEHRINGER	:
INGELHEIM INTERNATIONAL GMBH, and	:
BOEHRINGER INGELHEIM PHARMA	:
GMBH & CO. KG,	: C.A. No. 18-12663 (BRM)(TJB)
	: C.A. No. 18-16708 (BRM)(TJB)
	: (consolidated)
Plaintiffs,	:
	: (Filed Electronically)
v.	:
	:
LUPIN ATLANTIS HOLDINGS SA and	:
LUPIN LIMITED,	:
	:
Defendants.	:
-----X	:

**CONSENT JUDGMENT AND ORDER OF PERMANENT INJUNCTION**

Boehringer Ingelheim Pharmaceuticals, Inc., Boehringer Ingelheim International GmbH, and Boehringer Ingelheim Pharma GmbH & Co. KG (collectively, “Boehringer”), and Lupin Atlantis Holdings SA and Lupin Limited (collectively, “Lupin”), the parties in the above-captioned consolidated action, have resolved the above-captioned action for good cause and valuable consideration recognized by Boehringer and Lupin. Now the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment and an injunction in the action, as follows:

IT IS this 28<sup>th</sup> day of OCTOBER, 2021:

ORDERED, ADJUDGED, AND DECREED as follows:

1. This District Court has jurisdiction over the subject matter of the above action and no party contests personal jurisdiction over the parties.

2. As used in this Consent Judgment, (i) the term “Lupin ANDA Product” shall mean the drug product sold, offered for sale, or distributed pursuant to Abbreviated New Drug Application No. 211287; (ii) the term “Licensed Patent” shall mean United States Patent Number 7,694,676; and (iii) the term “Affiliate” shall mean any entity or person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with Lupin; for purposes of this definition, “control” means (a) ownership, directly or through one or more intermediaries, of (1) more than fifty percent (50%) of the shares of stock entitled to vote for the election of directors, in the case of a corporation, or (2) more than fifty percent (50%) of the equity interests in the case of any other type of legal entity or status as a general partner in any partnership, or (b) any other arrangement whereby an entity or person has the right to elect a majority of the Board of Directors or equivalent governing body of a corporation or other entity or the right to direct the management and policies of a corporation or other entity.

3. Unless otherwise specifically authorized, Lupin, including any of its Affiliates, successors, and assigns, is enjoined from infringing the Licensed Patent, on its own part or through any Affiliate, by making, having made, using, selling, offering to sell, importing, or distributing of the Lupin Product.

4. Compliance with this Consent Judgment may be enforced by Boehringer and its successors in interest, or assigns, as agreed by the parties.

5. All claims, counterclaims, affirmative defenses, and demands in this action are hereby dismissed without prejudice and without costs, disbursements, or attorneys’ fees to any party.

6. This District Court retains jurisdiction to enforce or supervise performance under this Consent Judgment.



Hon. Brian R. Martinotti,  
United States District Judge

We hereby consent to the form and entry of this Order:

Dated: October 27, 2021

s/ Charles M. Lizza

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